

ORIGINAL

SEALED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

FILED-USDC-NDTX-DA
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J

UNITED STATES OF AMERICA *ex rel.*
SIDESOLVE, LLC,

Plaintiffs,

v.

EMPIRE ROOFING, INC.; EMPIRE ROOFING
COMPANIES, INC.; EMPIRE ROOFING OF
OKLAHOMA, INC.; EMPIRE ROOFING AND
SHEET METAL, INC.; SR DISPOSAL, LTD
f/k/a EMPIRE DISPOSAL, LTD; EMPIRE
ROOFING COMPANY SOUTHEAST, LLC;
EMPIRE ROOFING COMPANY OF GEORGIA,
LLC; RONNIE MCGLOTHLIN; SANDRA
SEDILLO-MCGLOTHLIN; AND TECTA
AMERICA CORP.,

Defendants.

Civil Case No. 3:22-CV-2060-B

FILED IN SEALED CASE

**UNITED STATES' NOTICE OF ELECTION TO INTERVENE
IN PART FOR PURPOSES OF SETTLEMENT AND TO
DECLINE TO INTERVENE IN PART AND REQUEST TO UNSEAL**

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(2) and (4), the United States of America notifies the Court of its election to intervene in part in this civil action and to decline to intervene in part in this civil action. The United States, Relator Sidesolve, LLC, and Defendants Empire Roofing, Inc., Empire Roofing Companies, Inc., Empire Roofing Company Southeast, LLC, Empire Roofing Company of Georgia, Inc., Empire Roofing of Oklahoma, Inc., Empire Roofing and Sheet Metal, Inc., SR Disposal, Ltd. (f/k/a Empire Disposal, Ltd.), Ronnie McGlothlin, Sandra Sedillo McGlothlin, and

Tecta America Corp. (collectively, “Empire Roofing”) have finalized and executed a Settlement Agreement that will resolve all claims in this Civil Action.

The United States partially intervenes in this action with respect to the False Claims Act predicated upon the following factual allegations arising from the applications for, receipt of, and forgiveness of, eight Paycheck Protection Program (PPP) loans during the period of April 2020 to June 2021:

Empire Roofing violated the False Claims Act, 31 U.S.C. §§ 3729–3733, by falsely certifying in eight PPP loan applications that Empire Roofing, Inc., Empire Roofing Companies, Inc., Empire Roofing Company Southeast, LLC, Empire Roofing Company of Georgia, Inc., Empire Roofing of Oklahoma, Inc., Empire Roofing, Inc. (TN), Empire Roofing and Sheet Metal, Inc., and SR Disposal, Ltd. (f/k/a Empire Disposal, Ltd.) met all requirements and were eligible to receive PPP loans. These eight certifications were false because, under applicable rules in effect at that time, the applicant entities were ineligible to receive PPP loans because they were affiliated entities that collectively employed more than 500 employees during the relevant time period.

The United States declines to intervene as to all other claims, including claims related to the allegation that Empire Roofing, Inc., an entity located in Fort Worth, Texas, received two PPP loans.

The United States requests that the Relator’s Complaint, this Notice, the Proposed Order, and the Court’s order granting the relief requested herein (if granted) be unsealed. The United States asks that all other materials in this matter (including, but not limited to, any applications and accompanying memoranda filed by the United States for an extension of time in which to intervene or for any other reason) remain under seal and not be made public or served on the defendants at any time because, in discussing the content and extent of the United States’ investigation, such papers are provided by law to the

Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

Finally, the United States and Relator will file a Joint Stipulation of Voluntary Dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(ii) within 30 days.

A proposed order accompanies this notice.

Respectfully submitted,

LEIGHA SIMONTON
UNITED STATES ATTORNEY



Andrew S. Robbins
New York Bar No. 4836508
William C. Admussen
Illinois Bar No. 6335479
Assistant United States Attorneys
1100 Commerce Street, Third Floor
Dallas, Texas 75242-1699
Telephone: 214-659-8600
Facsimile: 214-659-8807
andrew.robbs@usdoj.gov
william.admussen@usdoj.gov

Attorneys for the United States of America

CERTIFICATE OF SERVICE

I hereby certify that on November 30, 2023, I served copies of this notice and the proposed order on counsel for Relator.



ANDREW S. ROBBINS
Assistant United States Attorney

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[PROPOSED] ORDER GRANTING THE UNITED STATES' NOTICE OF
ELECTION TO INTERVENE IN PART FOR PURPOSES OF SETTLEMENT
AND TO DECLINE TO INTERVENE IN PART AND REQUEST TO UNSEAL

The United States having intervened in part in this action and having declined to
intervene in part in this action pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(2)
and (4), the Court rules as follows:

IT IS ORDERED that,

1. The relator's complaint, the United States' Notice of Election to Intervene in Part for Purposes of Settlement and to Decline to Intervene in Part and Request to Unseal, and this Order be unsealed;
2. all other papers or Orders on file in this matter shall remain under seal;
3. the seal be lifted on all other matters occurring in this action after the date of this Order; and that all orders of this Court shall be sent to the United States.

SO ORDERED.

Dated this _____ day of _____, 2023.

JANE J. BOYLE
UNITED STATES DISTRICT JUDGE